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10/784,776	02/24/2004	Mitsuaki Fukuda	042090	8344
38834 7590 10/05/2009 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
KHAN, USMAN A				
ART UNIT		PAPER NUMBER		
2622				
NOTIFICATION DATE		DELIVERY MODE		
10/05/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

### Office Action Summary

**Application No.**

10/784,776

**Applicant(s)**

FUKUDA ET AL.

**Examiner**

USMAN KHAN

**Art Unit**

2622

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 3-9 and 13-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 10-12 and 16-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07/29/2009
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 08/18/2009, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Since this is a new grounds of rejection, which was not done because of an amendment, this action is non-final.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 07/29/2009 has been considered by the examiner. The submission is in compliance with the provisions of 37 CFR 1.97.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 10 -12, 17 and 20 - 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (US PgPub No. 2002/0130961).

Regarding **claim 1**, Lee et al. teaches a shooting device, comprising:

a shooting unit which shoots an object (figures 6(a), 6(b), 9, 11, 12(a), and 12(b)), a position of the object being movable (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; object being the person);

an expected shooting state storing unit which stores expected shooting state information which represents an expected position of the object (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*);

a guide determining unit which determines how the object is to be guided to the expected position based on the expected shooting state information and an image shot by said shooting unit (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*);

a guide instruction outputting unit which instructs how the object is to be guided to the expected position based on a result of the determination made by said guide determining unit (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down); and

an image outputting unit which outputs the image shot by said shooting unit (figures 6(a), 6(b), 9, 11, 12(a), and 12(b); items 401 and 402 capture and output images), wherein said guide determining unit determines whether the object should be moved close to said shooting unit or away from said shooting unit (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down), by comparing a size of the object in the image shot by said shooting unit and a size of the object represented by the expected shooting state information (paragraph 0037 shape and color; also, paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down; the eye size in the image capturing camera view will be considered as to guiding the person), and

said guide instruction outputting unit outputs a guidance instruction for moving the object close to said shooting unit or moving the object away from said shooting unit, based on determination by said guide determining unit (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down).

Regarding **claim 2**, as mentioned above in the discussion of claim 1, Lee et al. teaches all of the limitations of the parent claim. Additionally, Lee et al. teaches said guide determining unit determines a direction where the object is to be guided

(paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down).

Regarding **claim 10**, as mentioned above in the discussion of claim 1, Lee et al. teaches all of the limitations of the parent claim. Additionally, Lee et al. teaches said image outputting unit outputs the image shot by said shooting unit if said guide determining unit determines that the object is not required to be guided (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down and image is taken if the person and their iris is at the correct position).

Regarding **claim 11**, as mentioned above in the discussion of claim 1, Lee et al. teaches all of the limitations of the parent claim. Additionally, Lee et al. teaches the object possesses a certain pattern (figures 6(a), 6(b), 9, 11, 12(a), and 12(b); items 401 and 402 capture and processes the pattern of the iris of the person);

an amount of a pattern to be shot by said shooting unit is defined as the expected shooting state information (figures 6(a), 6(b), 9, 11, 12(a), and 12(b); items 401 and 402 capture and processes the pattern of the iris of the person); and

said guide determining unit determines that the object is not required to be guided, if the amount of the pattern, which is detected from the image of the object shot by said shooting unit, is larger than the amount of the pattern, which is defined as the

expected shooting state information (figures 6(a), 6(b), 9, 11, 12(a), and 12(b); items 401 and 402 capture and processes the pattern of the iris of the person).

Regarding **claim 12**, as mentioned above in the discussion of claim 1, Lee et al. teaches all of the limitations of the parent claim. Additionally, Lee et al. teaches a detecting unit which detects a proportion of area of the image in a the particular color to a whole area of the image shot by said shooting unit, wherein said guide determining unit determines a direction where the object is to be guided based on a result of detection made by said detecting unit (paragraph 0037 shape and color; paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down).

Regarding **claim 17**, as mentioned above in the discussion of claim 1, Lee et al. teaches all of the limitations of the parent claim. Additionally, Lee et al. teaches wherein said guide instruction outputting unit comprises a display unit, and displays a graphic or a symbol corresponding to the result of the determination made by said guide determining unit, on said display unit (paragraph 0038).

Regarding **claim 20**, Lee et al. teaches a method guiding an object to be shot with a shooting device, comprising:

Shooting an object (figures 6(a), 6(b), 9, 11, 12(a), and 12(b)), a position of the object being movable (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; object being the person), with a shooting device (figures 6(a), 6(b), 9, 11, 12(a), and 12(b)); determining how the object is to be guided based on expected shooting state information which represents an expected position of the object, and an image shot by the shooting device (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*); and

outputting a guide instruction of how the object is to be guided to the expected position based on a result of the determination (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down), wherein

whether the object should be moved close to the shooting unit or away from the shooting unit is determined (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down), by comparing a size of the object in the image shot by the shooting unit and a size of the object represented by the expected shooting state information (paragraph 0037 shape and color; also, paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down; the eye size in the image capturing camera view will be considered as to guiding the person), and

a guidance instruction for moving the object close to the shooting unit or moving the object away from the shooting unit is output, based on a comparing result



(paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down).

Regarding **claim 21**, Lee et al. teaches a method of shooting an object with a shooting device, comprising:

a first step of shooting an object (figures 6(a), 6(b), 9, 11, 12(a), and 12(b)), a position of the object being movable (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; object being the person), with a shooting device (figures 6(a), 6(b), 9, 11, 12(a), and 12(b));

a second step of determining how the object is to be guided based on expected shooting state information which represents an expected position of the object (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*), and an image shot by the shooting device;

a third step of outputting a guide instruction of how the object is to be guided to the expected position based on a result of the determination (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down); and

a fourth step of repeating the first through the third steps until it is determined that the object is not required to be guided (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down), wherein whether the object should be moved close to the shooting unit or away from the shooting unit is determined, by comparing a size of the object in the image shot by the shooting unit and a size of the object represented by the expected shooting state information, in the second step (paragraph 0037 shape and color; also, paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down; the eye size in the image capturing camera view will be considered as to guiding the person) and

a guidance instruction for moving the object close to the shooting unit or moving the object away from the shooting unit is output, based on a comparing result, in the third step (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down).

Regarding **claim 22**, Lee et al. teaches a shooting device, comprising:

shooting means for shooting an object (figures 6(a), 6(b), 9, 11, 12(a), and 12(b)), a position of the object being movable (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; object being the person); storing means for storing expected shooting state information which represents an expected position of the object (paragraphs 0035,

and 0038 – 0042 and 0073 *et seq.*); guide determining means for determining how the object is to be guided to the expected position based on the expected shooting state information and an image shot by said shooting means (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*); guide instruction outputting means for instructing how the object is to be guided to the expected position based on a result of the determination made by said guide determining means (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down); and image outputting means for outputting the image shot by said shooting means (figures 6(a), 6(b), 9, 11, 12(a), and 12(b); items 401 and 402 capture and output images), wherein said guide determining means determines whether the object should be moved close to said shooting means or away from said shooting means (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down), by comparing a size of the object in the image shot by said shooting means and a size of the object represented by the expected shooting state information (paragraph 0037 shape and color; also, paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down; the eye size in the image capturing camera view will be considered as to guiding the person), and said guide instruction outputting means outputs a guidance instruction for moving the object close to said shooting means or moving the object away from said shooting means, based on determination by said guide determining means (paragraphs 0035, and 0038 – 0042 and 0073 *et seq.*; guide

the person on what direction to move i.e. direction and distance: forward-backward, right-left, or up -down).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US PgPub No. 2002/0130961) in view of Shimizu et al. (US PgPub 2002/0041239).

Regarding **claim 16**, as mentioned above in the discussion of claim 1 Lee et al. teaches all of the limitations of the parent claim.

However, Lee et al. fails to teach said guide instruction outputting unit comprises a display unit, and displays a character string corresponding to the result of the determination made by said guide determining unit, on said display unit. Shimizu et al., on the other hand teaches a guide instruction outputting unit comprises a display unit, and displays a character string corresponding to the result of the determination made by said guide determining unit, on said display unit.

More specifically, Shimizu et al. teaches guide instruction outputting unit comprises a display unit, and displays a character string corresponding to the result of

the determination made by said guide determining unit, on said display unit (paragraphs 0024 *et seq.* character string being displayed on a display).

Therefor, one of ordinary skill in the art at the time the invention was made would have found it obvious to use the character string of Shimizu et al. in the system in Lee et al. invention of to create a easy method for the person to be aware of the direction to move hence easily guiding the person to the correct position.

Regarding **claim 18**, as mentioned above in the discussion of claim 1 Lee et al. teaches all of the limitations of the parent claim.

However, Lee et al. fails to teach said guide instruction outputting unit outputs voice guidance corresponding to the result of the determination made by said guide determining unit. Shimizu et al., on the other hand teaches a guide instruction outputting unit outputs voice guidance corresponding to the result of the determination made by said guide determining unit.

More specifically, Shimizu et al. teaches a guide instruction outputting unit outputs voice guidance corresponding to the result of the determination made by said guide determining unit (paragraph 0018 – 0019, 0040 – 0041, 0110 and 0123; notifying means notifies the person using sound).

Therefor, one of ordinary skill in the art at the time the invention was made would have found it obvious to use the character string of Shimizu et al. in the system in Lee et al. invention of to create a easy method for the person to be aware of the direction to move hence easily guiding the person to the correct position.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US PgPub No. 2002/0130961) in view of Shimazaki et al. (US PgPub. 2002/0198634).

Regarding **claim 19**, as mentioned above in the discussion of claim 1 Lee et al. teaches all of the limitations of the parent claim.

However, Lee et al. fails to teach that the said guide instruction-outputting unit generates stereophonic sound corresponding to the result of the determination made by said guide determining unit. Shimazaki et al., on the other hand teaches a guide instruction-outputting unit generates stereophonic sound corresponding to the result of the determination made by said guide determining unit.

More specifically, Shimazaki et al. teaches a guide instruction-outputting unit generates stereophonic sound corresponding to the result of the determination made by said guide determining unit (paragraph 0029).

Therefor, one of ordinary skill in the art at the time the invention was made would have found it obvious to use the stereophonic sound of Shimazaki et al. in the system in Lee et al. invention of to create a pleasant and natural impression of sound heard from

various directions, as in natural hearing to easily guide the person to the correct position.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USMAN KHAN whose telephone number is (571)270-1131. The examiner can normally be reached on Mon-Fri 6:45-3:15.
6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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